REMARKS

Claims 1-55 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 5,260,015 (Kennedy) in view of U.S. Pat. No. 6,332,250 (Igaue). Applicants respectfully traverse this rejection.

Applicants note that most of these claims, including the independent claims, had earlier been rejected as anticipated by Kennedy. In response, Applicants had pointed out (now in two separate responses and an interview) that Kennedy fails to disclose or suggest "float filament sections extending generally along an outer surface of a back side of the fastener component, such sections connected to the back side of the fastener component only at their ends, and otherwise lying against the back side of the fastener component." Applicants explained that the term "float" is a technical term known in the textile industry, particularly with respect to woven or knit fabrics, as supported by a definition included with an earlier response, from a dictionary of textile terms.

The Examiner maintains that Kennedy discloses a two-layer fabric with float sections, and now cites Igaue only to show "float filaments ... lying against the back of the fastener component." (OA, page 3). Applicants respectfully submit that the Examiner has mischaracterized both the teachings of Kennedy and of Igaue, and has improperly concluded that the claimed invention is obvious over a combination of the two references.

Turning first to the Kennedy reference, the Examiner makes the following conclusions as to what Kennedy discloses:

> The fabric comprises two distinct layers of yarns including an anchor layer and an outer layer (Base of reinforcing fabric and the loops). The anchor layer faces the resin base and comprises filaments embedded within resin of the base to anchor the fabric to the base (Figs. 5 and 8). The outer layer comprising [sic] float filament sections extending generally along an outer surface of a back side of the fastener component such sections connected to the back side f the fastener component only at their ends and otherwise close to the back side of the fastener component (Figs. 5 and 8).

In a later section of the Office Action (page 5), the Examiner repeats these same assertions, citing Kennedy's example given at col. 9, line 65 to col. 10, line 15, instead of Figs. 5

and 8. Assuming these are alternate explanations of the rejection of the claims, each cited portion of Kennedy is addressed in turn below, for completeness.

Figs. 5 and 8 of Kennedy are schematic illustrations, in cross-sectional view, of fastener products having different structures on the side opposite the male fastener elements. To be specific, Fig. 5 is described as illustrating a product in which the back surface features a non-woven fabric introduced to the nip, such that "at the interface 23 between the two layers [i.e., the layer of plastic and the non-woven] the plastic from the fastener flows around and entraps some of the fibers of the nonwoven 22 thereby bonding the nonwoven fabric to form a laminate of the two layers." (Kennedy, col. 5, lines 54-58). Kennedy goes on to explain that the degree to which the nonwoven material is embedded in the plastic is a function of many parameters, including the denseness of the nonwoven, the pressure exerted in the nip, etc., and that "by carefully selecting the fibrous nonwoven web, the plastic for forming the fastener and the operating conditions of the process; it is possible to generate a wide range of products with different degrees of fibers projecting from the surface…" (Id., col. 6, lines 6-11). Thus, Fig. 5 does not disclose float sections, and does not even discuss knit or woven products that could be said to have float sections, as that term is used in the art. Rather, Fig. 5 shows only non-woven materials, that can be of various densities, weights, etc.

Kennedy's Fig. 8 shows a product in which the backing forms engageable loops. Although the description of Fig. 8 does not specify the structure of the loop material, various examples given by Kennedy describe loop materials such as knit or woven loop fabrics. For example, at col. 9, line 65 to col. 10, line 15 (also cited by the Examiner), Kennedy describes using Loop 3003, a circular knit product. But these knit or woven fabrics are never described as being of the specific structure identified in Applicants' rejected claims, and Kennedy never describes laminating such fabrics such that float filament sections of an outer layer of the fabric lie against the outer surface of the fastener with only their ends secured, to provide the reinforcing effect described by Applicants in their specification. Thus, even looking at the example of col. 9, line 65 to col. 10, line 15 in light of Kennedy's Fig. 8, Kennedy simply does not disclose the reinforcing fabric structure that the Examiner says it does. As in the rest of

Kennedy, when Kennedy in the cited paragraph discusses "two layers" he is referring to the loop material as one layer and the plastic resin of the fastener base as the other layer, not two layers of yarns as in Applicants' claim 1.

Furthermore, the Examiner says in every statement of the rejection that the "outer layer" of Applicants' claim 1 corresponds to "the loops" of Kennedy, and then also says that the "outer layer" of Kennedy comprises float filament sections that extend generally along and close to the outer surface of the back side of the fastener. Beyond not disclosing the recited float filament sections, Kennedy also does not disclose an outer layer that is both loops and close-lying float filaments, if that is the necessary result of the Examiner's explanation.

The recent combination of Igaue with Kennedy does nothing to overcome the deficiencies of the teachings of Kennedy with respect to the claimed invention. Applicants understand that Igaue is cited only for its showing of fibers extending along the surface of a fastener loop material. But as has been explained above, one of the principal claim elements not disclosed nor suggested in Kennedy is the reinforcing fabric having the float sections arranged as described in claim 1 or claim 31. Igaue does not even deal with knit or woven fabrics (i.e., the types of fabrics to which the art term 'float filament' applies), nor does it relate to the reinforcement of touch fastener products. Rather, the filaments of Igaue are separate filaments bonded at discrete points to a substrate to form hook-engageable sections. For the Examiner to refer to Igaue's fibers as 'float filaments' is to continue to ignore the meaning of that term as a technical term of art in the textile industry. To the extent that the Examiner may be unwilling to accept Applicants' explanation of the meaning of that term, she is respectfully asked to seek the counsel of a peer Examiner in the textile arts.

Beyond Igaue, Applicants gladly acknowledge that there have been woven and/or knit materials known to mankind for generations that have included 'float filament' sections. Applicants do not purport to have invented such materials. Rather, it is their use as reinforcing fabrics, by so laminating or embedding them in a resin base of a male touch fastener product as to position the float filament sections along the back side of the fastener, fastened to the resin only at their ends, that Applicants claim as the aspect of their invention recited in the pending

claims. That structure or effect is not suggested or provided by Kennedy, Igaue, or the proposed combination of Kennedy with Igaue or with known woven or knit fabrics having float filament sections. Applicants' claimed structure is both novel and non-obvious, resulting in a reinforcement technique for a touch fastener not previously known or contemplated. Accordingly, Applicants request an acknowledgement of the patentability of the pending claims.

The prosecution of this Application has gone on for some time, and Applicants are open to discussing any amendments that the Examiner feels might place the claims in better form for allowance, or any further showing necessary to make the meaning of the term 'float filament' clear on the record. But the position taken by the Examiner to date simply ignores the technical definition of the term 'float filament', effectively reading it out of the claims, and if such position is to be maintained, a prompt final action is respectfully requested so that the matter may be brought before the Board for resolution.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. For example, Applicants do not concur with the Examiner's dismissal of the features recited in dependent claims as mere matters of design choice, or necessarily with her Official Notices or theories about whether any particular reference *can* provide a particular Stitch Hole Tear Strength (absent any specific teaching). Applicants have focused their remarks on the allowability of the independent claims as dispositive in this case, but retain the right to argue for the individual allowability of the dependent claims.

Enclosed is a Petition for Extension of Time for two months. Please apply all charges or credits related to this response to deposit account 06 1050, referencing the above attorney docket number.

Respectfully submitted,

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